



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Busse *et al.*

Appl. No.: 09/675,650

Filed: September 29, 2000

For: **PCA3 Messenger RNA Species in
Benign and Malignant Prostate
Tissue**

Confirmation No. 1706

Art Unit: 1642

Examiner: Yu, Misook

Atty. Docket: 1619.0080001/JAG/CMB

**Second Supplemental Information Disclosure Statement under 37
C.F.R. § 1.97(d)**

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

~~Listed on accompanying Form PTO-1449~~ are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. The numbering on this Second Supplemental Information Disclosure Statement is a continuation of the numbering in Applicants' First Supplemental Information Disclosure Statement filed on August 17, 2001, in connection with the above-captioned application. A copy of each document is provided.

The Examiner's attention is directed to the following co-pending U.S. Patent Applications which are directed to related technical subject matter.

U.S. Patent Application No. 09/996,953, Bussemakers, *et al.*, filed November 30, 2001; (Document AR12)

U.S. Patent Application No. 60/445,436, filed February 7, 2003

(Document AS12);

U.S. Patent Application No. 09/402,713, Bussemakers, M.J., filed

October 8, 1999 (Document AT12).

The identification of these U.S. Patent Applications is not to be construed as a waiver of secrecy as to those applications now or upon issuance of the present application as a patent.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. Attached is our PTO-2038 Credit Card Payment Form in the amount of \$ 150.00 in payment of the fee under 37 C.F.R. § 1.17(p).

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Jorge A. Goldstein
Attorney for Applicants
Registration No. 29,021

Date: _____

11/12/03

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FORM PTO-1449 <u>SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT</u>	ATTY. DOCKET NO. 1619.0080001/JAG/CMB	APPLICATION NO. 09/675,650
	APPLICANT Busse et al.	
	FILING DATE September 29, 2000	GROUP 1642

U.S. PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE
	AA						
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FOREIGN PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION
	AL						Yes No
	AM1	EP 0 160 228 /	11/06/1985	Europe			Yes No
	AN1	EP 0 520 794 -	12/30/1992	Europe			Yes No
	AO1	WO 94/09820 -	05/11/1994	WIPO			Yes No
	AP1	WO 95/28498 /	10/26/1995	WIPO			Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)			
	AR		
	AS	9	Tamimi, Y., et al., DiagnoGene PCA3 reliable NASBA based reagents for detecting PCA3 mRNA, a recently described prostate marker," <i>Proc. Am. Assoc. Cancer Res.</i> 39:234 Poster Abstract (1998).
	AT		

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.



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FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL2	WO 96/14875 ✓	05/23/1996	WIPO			Yes No
	AM						Yes No
	AN						Yes No
	AO						Yes No
	AP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

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STATEMENT**ATTY. DOCKET NO.
1619.0080001/JAG/CMBAPPLICATION NO.
09/675,650APPLICANT
Busse et al.FILING DATE
September 30, 2000GROUP
1642**U.S. PATENT DOCUMENTS**

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA						
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	AL						Yes No
	AM						Yes No
	AN						Yes No
	AO						Yes No
	AP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR		
	AS		
	AT	2	Bussemakers, M.J. and Isaacs, W.B., "Identification of Genes Associated with Prostate Cancer Development," Urol. Res. 21:452, Abstract No. P42, Springer International (1993)

EXAMINER

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	AL						Yes No
	AM						Yes No
	AN						Yes No
	AO						Yes No
	AP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	<u>10</u>	Bussemakers, M.J.G. and Isaacs, W.B., "Identification of Genes Associated with Prostate Cancer Development," <i>8th Annual Spring Meeting, Society for Basic Urologic Research</i> , one page, Society for Basic Urologic Research (May 1994)
	AS	<u>10</u>	Bussemakers, M.J.G., et al., "Identification of DD3: A New Gene Overexpressed in Prostatic Tumors," <i>Urol. Res.</i> 23:253, Abstract No. 0 36, Springer International (August 1995)
	AT	<u>10</u>	Bussemakers, M.J.G., et al., "DD3: A New Prostate Specific Marker, Overexpressed in Prostatic Tumors," <i>Fall Symposium, Society for Basic Urologic Research</i> , one page, Society for Basic Urologic Research (December 1995)

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	AL						Yes No
	AM						Yes No
	AN						Yes No
	AO						Yes No
	AP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	<u>11</u>	Bussemakers, M.J.G., et al., "DD3: A New Prostate Specific Marker, Overexpressed in Prostatic Tumors," <i>Breast and Prostate Cancer: Basic Mechanisms</i> , Abstract No. 102, pp. 17 (January-February 1996)
	AS	<u>11</u>	Bussemakers, M.J.G., et al., "DD3: A New Prostate Specific Marker, Overexpressed in Prostatic Tumors," <i>Meeting for the Dutch Association for Tumor Cell Biology</i> (May 1996)
	AT		

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1642**U.S. PATENT DOCUMENTS**

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA1	6,261,562 B1	07/17/2001	Xu et al.			02/09/1998
	AB1	6,262,245 B1	07/17/2001	Xu et al.			02/25/1998
	AC1	2002/0022248 A1	02/21/2002	Xu et al.			01/12/2001
	AD1	2002/0035244 A1	03/21/2002	Cohen et al.			09/09/1997
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FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL						Yes No
	AM2	WO 00/04149 A2	01/27/2000	WIPO			Yes No
	AN2	WO 01/25272 A2	04/12/2001	WIPO			Yes No
	AO2	WO 01/25273 A2	04/12/2001	WIPO			Yes No
	AP2	WO 01/34802 A2	05/17/2001	WIPO			Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR		
	AS		
	AT	<u>11</u>	Gandini, O., "Is DD3 a New Prostate-specific Gene?," Anticancer Res. 23:305-308, J.G. Delinassios (January-February 2003)

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FORM PTO-1449 SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT	ATTY. DOCKET NO. 1619.0080001/JAG/CMB	APPLICATION NO. 09/675,650
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FOREIGN PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL3	WO 01/51633 A2	07/19/2001	WIPO			Yes No
	AM3	WO 01/60860 A2	08/23/2001	WIPO			Yes No
	AN3	WO 01/73032 A2	10/04/2001	WIPO			Yes No
	AO3	WO 02/24718 A1	03/28/2002	WIPO			Yes No
	AP3	WO 02/30268 A2	04/18/2002	WIPO			Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)			
AR	<u>12</u>	Copy of Co-Pending U.S. Patent Application No. 09/996,953, Bussemakers, et al., filed November 30, 2001 (NOT PUBLISHED)	
AS	<u>12</u>	Copy of Co-Pending U.S. Patent Application No. 60/445,436, filed February 7, 2003 (NOT PUBLISHED)	
AT	<u>12</u>	Copy of Co-Pending U.S. Patent Application No. 09/402,713, Bussemakers, M.J., filed October 8, 1999 (PUBLISHED)	

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